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Lt. Governor

Richard Eberhart Hall
Secretary
Matthew J. Power
Deputy Secretary

October 14, 2009

Cindy Unangst, Planner
Town of Middletown
31 West Main Street
Middletown MD 21769

Re: Town of Middletown 2009 Draft Comprehensive Plan

Dear Ms. Unangst:

Thank you for submitting the draft Town of Middletown Comprehensive Plan to the Maryland Department of Planning (MDP) for our review.

The Town of Middletown is to be commended for its inclusion of clear concise maps. Although Middletown has only had GIS for a short time, the town has done an excellent job supporting the plan with maps. The Comprehensive Plan is well written and will provide Middletown with an excellent guide for its future growth and development.

The Town has met several of the WRE requirements of HB1141; however, the WRE is incomplete. By addressing the enclosed comments, the WRE will conform to the requirements of HB1141.

Again, thank you for the opportunity to review and comment on this Plan. Please do not hesitate to contact me or Jenny King at 410.767.4500 should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Peter Conrad". The signature is fluid and cursive, with the first name "Peter" and last name "Conrad" clearly visible.

Peter G. Conrad, AICP
Director of Local Government Assistance

Enclosure: Comments on the Town of Middletown 2009 Draft Comprehensive Plan, Municipal Growth Element Checklist

cc: Eric Soter, Director, Frederick County Planning & Zoning
Jason Dubow, Planner, WRE Coordinator
Jenny King, Regional Planner
Rich Josephson, Director, Planning Services
Rita Elliott, MDP Clearinghouse
File



**Maryland Department of Planning
Comments on the Town of Middletown Draft Comprehensive Plan
October 14, 2009**

Chapter 1: Introduction

Purpose of the Plan, Page 1-1: MDP recommends that the town of Middletown incorporate the newly passed Twelve Visions (<http://mlis.state.md.us/2009rs/bills/sb/sb0273t.pdf>) in lieu of the Eight Visions.

Purpose of the Plan, Page 1-2: The Plan notes the various legislative changes. This section should note the direct Article 66B reference as Section 1.00(j) which lists the requirements of a Sensitive Areas Element. The new requirements now include: "Streams, WETLANDS and their buffers" and "AGRICULTURAL AND FOREST LANDS INTENDED FOR RESOURCE PROTECTION OR CONSERVATION". The bolded text here indicates revised 66B language as per HB1141. These new requirements should be included within the list and addressed accordingly.

Chapter 5: Transportation

Middletown Bypass (page 5-4): Any major transportation facility improvement falling outside Priority Funding Areas (PFA) would be eligible for State funding except the project meets a criterion defined in the 1997 Smart Growth-Priority Funding Areas law. MDP encourages the Town to improve and build a connected local roadway network that help to divert short and local traffic from US 40-A so as to protect the capacity and safety of US 40A. The Town should also address land use and growth policies that prevent or minimize secondary development effects outside PFAs from any major highway improvements.

MDP strongly supports Middletown's policy (page 5-7) to consider alternative transportation approaches with SHA to reducing through traffic effects on US Route 40-A through improvements to sidewalk system and pedestrian/bicycle paths, wider shoulders, speed-slowing devices for traffic and encouraging in ridesharing/carpooling programs.

Sidewalks, Page 5-5: The sidewalk system is extremely important as a basic movement of people. As stated in the comprehensive plan, Middletown has the lack of sidewalks on Green Street and it is heavily used by many school children (page 5-2). Also stated in the west side of Town, all of streets are narrow in both pavement width and right-of-way with structures very close to the pavement (page 5-2). Also, there are notable areas in the Woodmere North and South Subdivisions and along West Green Street (page 5-6). Upon reviewing the Transportation Issues (page 5-6), there is no mention to address these sidewalk problems. No plan exists as to connecting the sidewalks to create a cohesive sidewalk system. Walkability within a small city is very important in creating a destination for locals to travel to and within. It is advised that the transportation plan develop a strategic plan for connecting the sidewalk system thus developing a uniform pedestrian experience throughout the city.

Intersections: The Plan mentions the difficulty with the Walnut Street intersection due to angle and grade and the intersection of the Washington Street due to steep grade.

Consideration should be made to further address the sidewalk and intersection problems in the Plan. The Plan should address these issues and needs through identifying recommendation priorities, implementation timeframe and funding sources.

Chapter 7: Water Resources Element

The Town of Middletown has met several of the WRE requirements of HB1141; however, the WRE is incomplete. By addressing the following comments, the WRE will conform to the requirements of HB1141. The most important comments to address are in **bold**.

The WRE does not yet effectively address the following purposes of the law and/or State guidance as follows:

- Identify suitable receiving waters and land areas to meet the stormwater management and wastewater treatment and disposal needs of existing and future development proposed in the land use element of the plan, considering available data provided by MDE (Section 1.03(iii), Article 66B).
- For each watershed, calculate the total forecasted nutrient load, which includes nutrient loads from current and future WWTP discharge, septic tanks, and stormwater runoff (MDP M&G 26, p. 13).
- Does the WRE describe the alternative future development options for which nonpoint source and point source loading estimates were performed? Does the WRE make general findings for alternative land use options (MDP M&G 26, pp. 39-40).
- Does the WRE estimate the future demand for water by reviewing population projections and associated commercial, industrial, and agricultural water demand (MDP M&G 26, p. 27).

General WRE Comments:

- **The WRE should forecast future water and sewer demand for both residential and non-residential needs, not just residential water needs (p. 7-2). Without including the forecasted non-residential water and sewer demand in the WRE, the town cannot determine whether sufficient water and sewer capacity is available to implement the proposed land use plan.**
- **The MGE notes that some already developed lots in the Growth Boundary Area may need water and sewer services (p. 8-5). The WRE should be sure to include the water and sewer demand figures for these lots when estimating future demand.**
- The WRE contains conflicting population figures. In Table 7-1 (p. 7-2), the 2008 current population is 4,198 while on page 7-14, the current population is stated as being 4,168. If this is a typographical error, please correct it. In addition, in Table 7-1 (p. 7-2) the 2030 projected population is 5,092 while on page 7-8, the 2030 projected population is 5,667. The WRE should use one consistent 2030 projected population figure throughout the plan.
- The comprehensive Plan and WRE should use consistent figures for future water and sewer demand, as well as for future households. The following issues should be resolved:

- The MGE (p. 8-5) indicates that there will be an additional population of 892; however, the WRE (p. 7-2) projects an additional population of 894. Please clarify why there is a difference in population projections in these two sections of the Plan.
- The MGE (p. 8-5) also indicates that the projected additional dwellings will be 447 while the WRE (p. 7-2) projects an additional 334 dwellings. Please address why there is a difference in these two projections in the two sections of the Plan.
- The total projected annual additional water needed is projected to be 83,500 gallons in the WRE (p. 7-2). However, the MGE (p. 8-5) projects an additional need of 111,750 gallons per day of new water and sewer demand for both residential and non-residential uses. Please clarify why there is a difference in these two water projections.
- It would be helpful if the WRE made reference to the water and sewer tables and charts from the Municipal Growth Element section of the Plan.
- The Growth Boundary lines appear to be different for the water and sewer service maps. Please correct this difference.

Comments on the water demand analysis include:

- The “Current 2008 Annual Water Use (gallons)” row is missing a demand figure in Table 7-1 (p. 7-2). Please add the current water demand figure to this table. Additionally, the Plan states “...it is assumed that by 2030 an additional 83,500 gpd of drinking water supply will be needed to serve Middletown residents.” The Plan should indicate the basis for this assumption.
- The WRE discusses present and future water demand (through 2030) in the text on page 7-8. It would be helpful, however, to present these water demand figures in a table broken up into five year intervals of time in order to better estimate the water demand and capacity ratios over time. Does the water demand through 2030 include commercial uses?
- The Plan does not state whether there are any private wells in the Town. Please add this information to the WRE. If wells exist, please note whether there are any plans to connect any failing wells to the public water system and the capacity needed to serve them. The Plan could then discuss whether they are susceptible to pollution and whether these might be included in future source water protection plans.

Comments on the proposed methods for protecting the Town’s source water include:

- The Town should be commended for adopting a Wellhead Protection Overlay Zoning District ordinance to protect the groundwater resources of community public water supplies (p. 7-7).

Comments on the sewer demand analysis include:

- The Plan states that expansions and upgrades will be needed to provide wastewater service through 2030. It would be helpful to include projected sewer demand figures broken into

five year increments through the year 2030 in order to approximate when demand will reach capacity.

- The Town has identified inflow and infiltration (I&I) as a major challenge to the community wastewater systems. Please clarify whether the sewer demand figures include demand caused by I&I (p. 7-13).
- **The Plan states that the permitted point source load limits from the WWTPs have been reached in Catoctin Creek and are unlikely to be raised (p. 7-14). Despite this limitation, the Plan discusses adding WWTP capacity. It would therefore be helpful if the Plan included a discussion of how the Town will grow and increase capacity while balancing the pollutant constraints in the Catoctin Creek. The WRE should also mention that a point source cap (established under the Maryland Tributary Strategy) could limit how much expansion can be achieved. Contact MDE for more information on this issue.**
- The WRE states that the County implements the policies, practices, principles, and methods of the 2000 Maryland Stormwater Design Manual (p. 7-18). The Town should note that 2009 updates have been made to this design manual.

Comments on identifying suitable receiving waters include:

- **The plan does not yet discuss the suitability of the receiving waters.** Since TMDLs have not yet been established for nutrients in the Catoctin Creek to date, the WRE should state that since TMDLs have not yet been set, it is not possible to discuss the suitability given the lack of information at this time. **Please add this discussion to the Plan.**
- **The Plan does not yet include present or future point source loading data. This information needs to be added to the Plan.** The WRE should indicate when the Town's point source loading is expected to reach its point source cap. The Town should work with the County and MDE to complete the forecasts.
- **Once a point source pollution forecast is added to the Plan, the Town should also include a combined point source and non-point source pollution table.** Please add this to the Plan.
- **The WRE should include a pollution forecast that is informed by the Town's proposed land use plan. The WRE should evaluate the pollution impacts from at least two different land use plan options and should recommend the land use plan with the least impact. The Town should work with Frederick County to complete this forecast. The pollution forecast currently in the WRE (p. 7-17) is based on previous land use plans (1997-2008) (p. 7-17) and not the proposed County or municipal land use plans.**
- It would be helpful if the plan included policies for reducing non-point source pollution following the WRE's discussion of non-point source pollution.

Chapter 8: Municipal Growth Element

The Plan should address: rural buffers/transition areas, impact of growth on sensitive areas and sensitive areas that may impede growth, Future Vision: land use goals, development goals, preservation goals and detail if the plan's goals and visions are consistent with long term policy. Also, the Plan should identify ways for financing future infrastructure improvements (developer, impact fees etc.).

Population Projections

- The Plan has adopted MDP's draft municipal projections for the year 2030, estimating a total of 5,092 people by 2030. The text should elaborate how this figure relates to why this number was adopted. These MDP projections are provided for guidance and Middletown should include additional justification for adopting these.
- Table 8-5 on page 8-6 estimates there will be a total of 1,897 housing units in the Town by 2030. This figure actually represents MDP's household projection for 2030, MDP projects 1,938 housing units by 2030. MDP's projections are attached.

Development Capacity Analysis, Growth Areas and Annexation

- The Town has done a good job incorporating a Development Capacity analysis and population projections into the Plan; however a discussion of the relationship between these two factors should be included. This will help determine if the proper balance between projected population and land supply exists.
- Given that the infill capacity of the Town is stated at 218 units (583 persons), the capacity of the proposed growth area -924 units (2,450 people) far exceeds the 2030 projection (894 people). In the context of planning it is important to understand supply and demand: Provide too much land for development and it will tend to be used inefficiently.
- The Plan suggests that the growth area be zoned R-20, a low density zone. The R-20 zone only yields 2.17 units per acre. The minimum density zoning to support qualifying is a priority funding area would be 3.5 units per acre. This does not seem to support the smart-growth goals of the Town plan and would not qualify as a Priority Funding Area.

General Comments

- The Plan lacks a discussion with regard to funding mechanisms as required in HB1141. The necessary expansions to school, library and water/sewer outlined in the Plan will require funding; therefore it is beneficial to include potential sources of funding and relevant contact agencies. This will help to improve the overall usefulness of the Plan.
- MDP suggests that as a supportive document, a map be prepared which outlines the development capacities of properties which are within the current Town boundary, and those which are in the Growth Area. Seeing these figures in a spatial layout helps the reader to visualize where and how much growth will be take place.
- On page 4-2 the Plan makes reference to Table 9 (in text) however the related information is actually shown in Table 4-1.

- Attached to these comments is a Municipal Growth Element checklist. Please pay particular attention to the Resource Lands, Future Vision and Financing Mechanisms. This checklist was developed using the Municipal Growth Element Models and Guidelines.
- Please review the page numbering in the municipal growth element.

Municipal Growth Element Checklist

Town: *Town of Middleton*
Date: *September 2009*

Page references pertain to the Municipal Growth Element Models and Guidelines

Included	Past Growth Patterns (pg. 7)	Reviewer Comments
✓	Change in developed acreage	
✓	Population change	
✓	Location of land use changes	
✓	Historical trends/issues	

Included	Population Projections/Future Land Needs (pgs. 7-11)	Reviewer Comments
✓	Population growth projections for horizon year of plan	
✓	Land needed to satisfy future demand	
✓	Future municipal growth areas (anticipated annexation areas)	
✓	Capacity of lands available for development (inc. infill & redevelop)	
✓	Anticipated capacity/zoning of future annexation areas	
✓	Relationship between projections and land capacity	

Included	Public Services & Infrastructure supply in relation to future demand	Reviewer Comments
✓	Public School Capacity (pgs. 12-13)	
✓	Library Services (pgs. 13-14)	
✓	Public Safety, medical response, police, fire (pgs. 14-15)	
✓	Water Facilities (pgs. 15-16)	
✓	Sewer Facilities (pgs. 15-16)	
✓	Stormwater Management Systems (pgs. 16-17)	
✓	Recreation facilities (MD standard 30 acres per 1,000 population) (pgs. 17-18)	
✓	Impacts of growth on infrastructure/services (pg. 20)	

Included	Resource Lands	Reviewer Comments
	Rural Buffers/Transition Areas- Pros/Cons (pgs. 18-20)	
	Impacts of growth on sensitive areas (pgs. 20-21)	
	Identify areas that may impede development (steep slope, flood plain...)	
	If applicable: Critical Area/Growth Allocation related to future growth	

Included	Future Vision (pg. 22)	Reviewer Comments
	Land Use Goals	
	Development Goals	
	Preservation Goals	
	Are the plans goals and visions consistent with long term policy?	

Included	Financing Mechanisms	Reviewer Comments
	Identify ways for financing future infrastructure improv. (developer, impact fees, taxes...) (pg. 18)	
	When possible identify associated costs with improvements (pg. 18)	